

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

ETHELBERT BROADNAX,

Plaintiff,

v.

CIVIL ACTION NO. 5:08-1399

BARRON HELGOE, AMY RICHMOND,  
CLARKE VANDERVORT, and  
UNITED STATES OF AMERICA

Defendants.

**FINDINGS AND RECOMMENDATION**

Ethelbert Broadnax has filed documents with the Court in which, with respect to the named defendants, he asserts “character assassination” and with regard to Magistrate Judge VanDervort, apparently complains of his treatment during judicial proceedings. The Court previously granted plaintiff’s application to proceed in forma pauperis and ordered him to file an amended complaint, concluding that his previous filing was subject to dismissal for, among other things, failing to state a claim upon which relief could be granted. Plaintiff has subsequently filed a document with the Court; however, nothing contained in that document cures the deficiencies noted in the Court’s September 25, 2009 Order.

It being apparent that plaintiff has failed to state any claim on which relief may be granted, his complaint is subject to dismissal in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B).

**RECOMMENDATION**

On the basis of the foregoing, it is **RESPECTFULLY RECOMMENDED** that plaintiff's complaint and this action be dismissed.

Plaintiff is hereby notified that a copy of these Findings and Recommendation will be submitted to the Honorable Irene C. Berger, United States District Judge, and that, in accordance with the provision of Rule 72(b), Fed.R.Civ.P., the parties may, within fourteen days of being served with a copy of the Findings and Recommendation, serve and file written objections with the Clerk of this Court, identifying the portions of the Findings and Recommendation to which objection is made and the basis for such objection. The judge will make a de novo determination of those portions of the Findings and Recommendation to which objection is made in accordance with the provisions of 28 U.S.C. § 636(b) and the parties are advised that failure to file timely objections will result in a waiver of their right to appeal from a judgment of the district court based on such Findings and Recommendation. Copies of objections shall be served on all parties with copies of the same to Judge Chambers and this Magistrate Judge.

The Clerk is directed to file this Findings and Recommendation and mail a copy of the same to plaintiff.

DATED: April 30, 2010

  
MAURICE G. TAYLOR, JR.  
UNITED STATES MAGISTRATE JUDGE